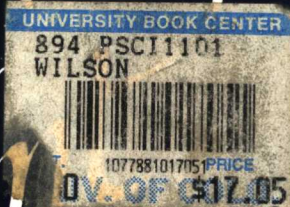


Brief Edition

American Government



James Q. Wilson

American Government

B R I E F E D I T I O N

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Preface

Over the last few years, many instructors have written that they needed an introductory text in American government that was brief but at the same time readable, comprehensive, and systematic. This book is an effort to meet that request. It is intended to serve the needs of faculty and students involved in introductory courses of short duration (for example, in quarter-system schools) or those that incorporate extensive primary-source readings.

Providing a book that is both short and comprehensive is a challenging task, calling for many decisions on what to exclude, but here is how the attempt was made. I drew heavily on my full-length text, pulling together the essential information on constitutional foundations, national institutions, and political processes into twelve reasonably compact chapters that are, I hope, brisk, clear, and readable.

I discovered that a great deal could be said in a relatively short space. The treatment of the Constitution and of civil liberties and civil rights is extensive, as befits a book that will be read during and after the bicentennial of the Philadelphia Constitutional Convention. The institutions and processes of government are discussed in detail, without resorting to a mere "nuts and bolts" summary.

Unlike most short texts, this book discusses the role of the media, the nature of federalism, the differences between mass and elite opinion, and the philosophical basis of the Constitution. As an introduction to public policy, the organizations and procedures used to make both foreign and economic policy are described. Finally, a concluding chapter places the evolution of American politics into a historical context that highlights the major changes that have taken place in policy-making and reviews the debate over constitutional reform.

Key tables and graphs are presented, all updated to 1986, as well as new boxes that highlight the main points of discussion. Moreover, essential reference matter is made available in the Appendix: the Declaration of Independence, the Constitution, a list of the presidents of the United States, and *Federalist* papers 10 and 51.

In producing this book, I made a special effort to keep the writing bright and accessible. I believe that a text can be both brief and stimulating. Just because a course lasts only ten weeks or because there are many outside readings to be assigned should not lead a text author to confront students with a mechanistic list of facts or deprive them of a

sense of the excitement of politics. I have tried using such “nuts and bolts” texts in my own introductory classes; the results have been uniformly unhappy. Students at every level want to feel they are *learning*, not just memorizing.

I welcome the comments and suggestions of my colleagues around the country as well as the reactions of students who have read the book. I have greatly benefited from those communications in the past and earnestly hope that this brief edition will stimulate more mail.

I wish to acknowledge the vital contributions of James Miller and John DiIulio to the development of this edition as well as the useful comments made on an early draft of it by Professors William Glaser, Los Angeles Pierce College; Lars Hoffman, Lewis and Clark Community College; Leon Hurwitz, Cleveland State University; John D. Kay, Santa Barbara City College; Joseph A. Kunkel, Mankato State University; Brian Murphy, North Georgia College; and Catherine Zuckert, Carleton College. I am most grateful for all this assistance as well as for the splendid editorial work of Judith Leet. My boss at D. C. Heath, Linda Halvorson, urged me to take on this enterprise. As usual, her judgment was right.

J. Q. W.

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What Should We Know About American Government?

When Americans look at their government, they take much of what they see for granted. They may like or dislike some federal policy, but exactly *how* that policy was made seems familiar to them. In our political system the president suggests a course of action and then tries to persuade members of Congress to vote for it. The Senate and the House, even when controlled by the same party, disagree, and there is a long period of bargaining. Finally, something emerges that differs in important ways from what the president wanted, but he signs the bill anyway. A federal agency—part of the government bureaucracy—starts implementing the policy, but in ways that neither the president nor Congress quite likes. In response, the president may fire the agency head, or Congress may investigate the agency's work, or both. A citizen who dislikes the policy may sue the agency, and a federal judge may tell the bureaucrats to change how they are carrying out the law. Meanwhile, the head of the agency is trying to get state governors to follow the federal policy. Some resist. Perhaps the policy turns out to be very unpopular. But in the next election, the great majority of members of Congress who voted for it will be reelected anyway.

To most Europeans, all this would be absolutely baffling. In a country such as Great Britain, the legislature automatically approves almost any policy the chief executive (the prime minister) proposes, and does so without making any changes. The bureaucracy carries out the policy without resistance, but if something should go wrong, the legislature does not investigate the agency to see what went wrong. No citizen can sue the government; if one tried, the judge would throw the case out of court. There are no governors who have to be induced to follow the national policy; the national government's policies are, for most purposes, the *only* policies. If those policies prove unpopular, there is a good chance that many members of the legislature will not be reelected.



Politics is a struggle over the future. Here, Senator Huey P. Long, Louisiana, speaking in 1932.

American government is not like any other democratic government in the world. Far from taking it for granted, students here should imagine for a moment that they are not young Americans but young Swedes, Italians, or Britons and ask themselves why American politics is so different and how that difference affects the kinds of policies produced here.

Consider these differences in *politics*:

- In the United States, the police and the public schools are controlled by the towns, cities, and states. In Europe, they are usually controlled by the national government.
- If you want to run for office in the United States, you can do so by collecting the required signatures on a petition in order to get on the ballot in a primary election; if you win the primary, you then run in the general election. In Europe, there usually aren't any primary elections; instead, party leaders decide who gets on the ballot.
- In the United States, fewer than one worker in five belongs to a labor union. In many European nations, the majority of workers belong to unions.
- The United States has no large socialist, communist, or Marxist political party. In France, Great Britain, Italy, and elsewhere, socialist and Marxist parties are large and powerful.
- The United States has a large number of politically active persons who consider themselves born-again Christians. Such persons are relatively rare in Europe and certainly not a political force there.
- In the United States, judges have decided whether abortions shall be legal, which pornographic movies can be shown, and what shall be the size of a congressional district. In Europe, the legislature decides such things.
- When Prime Minister Thatcher of Great Britain signs a treaty, her nation is bound by it; when President Reagan signs a treaty, he is only making a promise to try to get the Senate to ratify it.

Consider also these differences in *policies*:

- The tax burden in the United States is about half what it is in Sweden and many other European nations.
- The United States adopted federal policies to provide benefits to the elderly and the unemployed about a quarter of a century *after* such policies were already in effect in much of Europe.
- The United States government owns very few industries. In much of Europe, the government owns the airlines, the telephone system, the steel mills, the automobile factories, even the oil companies.
- Throughout most of 1985, President Reagan and the Congress could not agree on a budget—on how much to spend, where to make cuts, and whether taxes should be increased; as a result, for much of the year, the country had neither a budget nor the authority it needed

to borrow money to keep paying its bills. In European democracies, this kind of deadlock almost never occurs.

How do we explain these differences? It is not that America is “democratic” and other nations are “undemocratic.” Great Britain and the United States are both democracies—but two different *kinds* of democracies. The American kind is the product of two factors, our constitutional system and the opinions and values of the people. The two are closely related: we have the kind of constitution we do because the people who wrote it had certain beliefs about how government should be organized, and those beliefs are perpetuated and sharpened by the workings of the government created by that constitution.

In this book, we will not try to explain all the ways in which America differs from Europe. This is not a book about comparative politics; it is one about American politics. But keeping in mind the distinctive features of our system will, I hope, make what you read in the following chapters more interesting. You might try the following experiment. As you read this book, see how many of the differences listed above you can explain. You won’t be able to explain them all, but you will be able to explain several.

The Meanings of Democracy

To explain why American democracy differs from democracy in Britain or Sweden, we must first understand what is meant by *democracy*. That word is used to describe three different political systems. In one system, found in the Soviet Union and its satellites and in China, Cuba, and many Third World dictatorships, a government is said to be “democratic” if its decisions serve the “true interests of the people,” whether or not those people had any say in making the decisions.

The term democracy is used in a second way to describe political systems in which all or most citizens participate directly in making governmental decisions. The New England town meeting, for example, comes close to fitting this definition of *direct democracy*. Once or twice a year all the adult citizens of a town come together to vote on all major issues and expenditures. In many states, such as California, a kind of direct democracy exists whenever voters are asked to approve or reject a specific policy, such as a plan to cut taxes or build a water system (a *referendum*), remove an elected official before his or her term has expired (a *recall*), or propose a new piece of legislation or a constitutional amendment (an *initiative*).

The third meaning of democracy was most concisely stated in 1942 by the economist Joseph Schumpeter: “The democratic method is that institutional arrangement for arriving at political decisions in which individuals [that is, officeholders] acquire the power to decide by means of a competitive struggle for the people’s vote.” This system is usually called a *representative democracy*. The Framers of the American constitution called it a *republic*.

One or all of the following arguments are made on behalf of representative democracy over direct democracy. First, direct democracy is not practical because it is impossible for all the citizens to decide all the issues; they don't have the time, energy, interest, or information. It is practical, however, to expect them to choose among competing leadership groups. Second, direct democracy is not desirable because the people will often make bad decisions on the basis of fleeting desires or under the influence of unscrupulous demagogues or clever advertising. Third, direct democracy makes it difficult to negotiate compromises among contending groups; instead, one side wins and the other loses—even when there may have been a middle ground that both sides would have accepted.

You may think that these criticisms of direct democracy are unfair. If so, ask yourself which of the following measures (especially those that you feel strongly about) would you be willing to have decided by all citizens voting in a referendum. Abortion? Gun control? Federal aid to parochial schools? The death penalty? Foreign aid? Racial integration of the public schools? The defense budget? Free trade? Most people, however "democratic" they may be, favor certain policies that they would not want decided by, in effect, a public opinion poll.

Representative Democracy

In this book, we will use the word *democracy* to mean representative democracy, but we will not try to settle the argument over whether, or under what circumstances, direct democracy might be better. It is important to note, however, that representative democracy can only exist if certain conditions exist: freedom of speech and of the press (so that voters can learn about what their representatives are doing and communicate their preferences to them), freedom to organize (so that people can come forward as candidates for office), reasonably fair access to political resources (so that candidates can mount an effective campaign), a decent respect for the rights and opinions of others (so that the winners in an election are allowed to assume office and govern and the losers are not punished or banished), and a belief that the political system is legitimate (so that, within reason, people will obey its laws without being coerced).

Representative democracy can take, broadly speaking, one of two forms: the parliamentary system or the presidential system. The *parliamentary system*, common to almost all European democracies, vests political power in an elected legislature. The legislature, in turn, chooses the chief executive, called the prime minister. So long as the prime minister has the support of a majority of the members of parliament, he or she can carry out any policy that is not forbidden by the nation's constitution. (Some parliamentary democracies do not have a written constitution: in Great Britain, for example, the parliament can do almost anything that it believes the voters will accept.) In a parliamentary de-

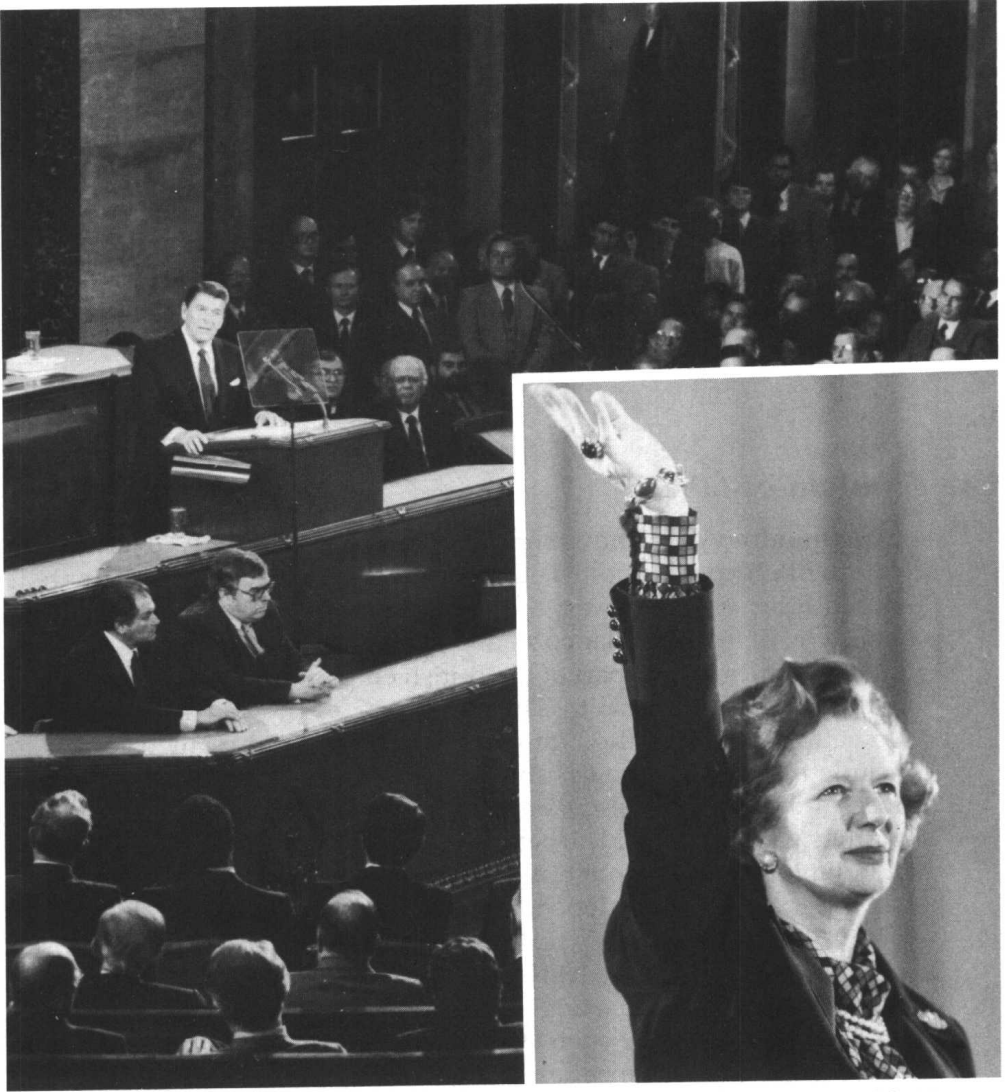
mocracy, political power at the national level is centralized; the prime minister and his or her cabinet make all the important decisions. The bureaucracy works for the prime minister. The courts ordinarily do not interfere. The theory of a parliamentary system is that the government should make decisions and then be held accountable to the voters at the next election.

A *presidential system* vests political power in separately elected branches of the national government—a president and a congress. In addition, there may be an independent judiciary, as there is in the United States, that can disapprove of the actions of the president and congress if they violate the constitution. The president proposes legislation but has no guarantee that congress will accept it, even if the congress has a majority of members from the president's own party. The bureaucracy works for both the president and congress; since its loyalties are divided, its actions are not always consistent with what the president or the congress wishes. Political power at the national level is decentralized and shared. The theory of a presidential system is that policies should be tested for their political acceptability at every stage of the policy-making process, and not just at election time.

Some people believe that the presidential system, based on separate branches of government sharing power, makes it very hard to enact any policies at all. So many roadblocks are built into the system that the government is biased against taking action. Moreover, when it does act, so many people are involved in making the decision that it becomes difficult for the voters to hold anyone directly accountable for the result. If you don't like the federal deficit, whom can you blame and vote against in the next election? The president? Your senator? Your representative?

To correct these features of the system, some critics have proposed that the United States change its constitution and make it more like a parliamentary democracy so that it will be easier for the government to act and easier for the voters to hold officials accountable for their actions at election time. But defenders of our constitution take a different view of the matter. The roadblocks in our constitutional system have not prevented our national government from growing about as fast, and adopting many of the same policies, as parliamentary democracies in Europe. And if the American government is not as big (measured by the taxes it levies, the money it spends, and the programs it enacts) as the governments of some European nations, maybe that is a good thing. Moreover, Americans may not be content with voting only once every four years to approve of or reject what the government is doing; they may want a chance to influence policy as it is being formulated—by writing their senator or representative, joining interest groups, marching on Washington, and bringing suit in court.

This book will not tell you whether you ought to prefer an American-style presidential system or yearn for a British-style parliamentary one. But it will tell you how our system works and explain why it works as



The chief executives of two different kinds of democracies: Ronald Reagan heads a presidential system, Margaret Thatcher a parliamentary one.

it does. The most important reason it functions the way it does is the Constitution of the United States. It is there we shall start.

SUGGESTED READINGS

- Crick, Bernard. *The American Science of Politics*. London: Routledge & Kegan Paul, 1959. A critical review of the methods of studying government and politics.
- Schumpeter, Joseph A. *Capitalism, Socialism, and Democracy*. 3rd ed. New York: Harper, 1950, Chs. 20–23. A lucid statement of the theory of representative democracy and how it differs from participatory democracy.
- Truman, David B. *The Governmental Process*, 2nd ed. New York: Knopf, 1971. A pluralist interpretation of American politics.



The Constitution

The Problem of Liberty

For two hundred years the American government has derived its powers from a written constitution. Today we take that document for granted. Two centuries ago, however, the very idea of a written constitution, to say nothing of its particular contents, was a matter of great controversy.

When America was part of the British empire, Britain had no written constitution (it still doesn't). The American revolt against British rule, culminating in 1775 in the War of Independence, led many colonists to conclude that political power should never again be entrusted to rulers whose authority was based on tradition and other unwritten understandings. The central idea behind a written constitution was that it would limit and define political authority.

After they became independent, each former colony adopted a written constitution that sharply restricted the authority of the newly chosen state governors and state legislators. But the thirteen former colonies had to have some way of acting in common on matters of mutual interest, such as waging the war against England. For this purpose, they came together in a loose alliance under the Articles of Confederation. Many people recognized that the Confederation was too weak to manage the war effort effectively but believed that a national government that was any stronger would threaten their hard-won liberties.

When the war was over, many leaders decided that an even stronger national government was essential if the new nation was to defend itself against foreign enemies, put down domestic insurrections, and encourage commercial activity. In 1787 fifty-five delegates from the states met in Philadelphia from May to September, initially to revise the Articles of Confederation but in the end, as matters turned out, to produce an entirely new constitution. Most of the delegates had served in Congress under the Articles; few, if any, had found that experience satisfying. The chief problem faced by the Framers, as they came to be called, was that of *liberty*: how to devise a government strong enough to preserve order but not so strong that it would threaten liberty. In one of his most